IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.3836 of 2006

Sudhakar Vinayak Joshi — Petitioner
Vs.
The State of Maharashtra & ors. — Respondents

Mr.N.V.Walawalkar, Sr.Counsel with Mr.G.H. Keluskar for petitioner.

Mr.C.R.Sonawane, AGP for resp.no.1.

Mr.R.G.Ketkar for resp.no.2.

CORAM: B.H.MARLAPALLE & J.H.BHATIA,JJ.

November 16, 2006.

P.C.

. Heard Mr.Walawalkar, the learned Senior Counsel with Mr.Keluskar for the petitioner and Mr. Ketkar, the learned counsel for the respondent no.2 - Corporation. Though along with the reply filed by the Corporation the award of the learned Arbitrator has been annexed, the Corporation is not averse to initiating arbitration proceedings de novo. Mr. Ketkar, the learned counsel for the Corporation has placed before us a copy of the letter dated 4/11/2006 he has received from the respondent - Corporation intimating that it is ready and willing to have the arbitration proceedings decided afresh and obviously without taking into consideration the earlier award which is brought on record along with the reply.

. We, therefore, dispose off this petition by directing the petitioner to appear before the arbitrator within a period of three weeks from today and the further details of the time schedule and fees etc. be decided when the petitioner appears for the first time before the arbitrator. We request the arbitrator to complete the proceedings as expeditiously as possible. Undoubtedly the bill issued by the respondent - Corporation on the basis of the award passed earlier by the arbitrator will not be enforceable and the recovery will be subject to the fresh award to be passed.

(J.H.BHATIA,J.) (B.H.MARLAPALLE,J.